

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 00519 261154Z

ACTION ORM-02

INFO OCT-01 IO-13 ISO-00 DHA-02 OIC-02 AF-08 ARA-06 EA-07

EUR-12 NEA-10 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-04 H-01 INR-07 L-03 NSC-05 PA-01

PRS-01 SP-02 SS-15 ACDA-07 /109 W

-----261159Z 050333 /15

O R 261053Z JAN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4754

INFO USMISSION USUN NEW YORK

LIMITED OFFICIAL USE GENEVA 0519

E.O. 11652: N/A

TAGS: SREF, UNHCR

SUBJECT: CONFERENCE OF PLENIPOTENTIARIES ON TERRITORIAL ASYLUM

1. AUSTRALIAN DELEGATION HAS REQUESTED USDEL SUPPORT AUSTRALIAN PROPOSED AMENDMENTS CONCERNING ARTICLES 3 AND 4 OF THE GROUP OF EXPERTS' TEXT AS INDICATED BELOW (CONTAINED IN CONFERENCE DOCUMENT A/CONF.78/C.1/L.10). BEGIN AUSTRALIAN PROPOSALS:

ARTICLE 3 -NON-REFOULEMENT

PARAGRAPH 1

REPLACE BY THE FOLLOWING:

QUOTE. NO PERSON ENTITLED TO THE BENEFITS OF THIS CONVENTION SHALL BE SUBJECTED BY A CONTRACTING STATE TO MEASURES SUCH AS REJECTION AT THE FRONTIER, RETURN OR EXPLUSION WHICH WOULD COMPEL HIM TO REMAIN IN OUR RETURN TO A TERRITORY WITH RESPECT TO WHICH HE HAS A WELL-FOUNDED FEAR OF PERSECUTION, PROSECUTION OR PUNISHMENT FOR ANY OF THE REASONS STATED IN ARTICLE 2. UNQUOTE

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 00519 261154Z

ARTICLE 4 - PROVISIONAL STAY PENDING CONSIDERATION OF REQUEST

DELETE THE ARTICLE. END OF AUSTRALIAN PROPOSALS.

2. NOTE THAT THE PROPOSED AUSTRALIAN AMENDMENT OF ARTICLE 3 WOULD MAKE NO CHANGE IN PARAGRAPHS 2 AND 3 WHICH WOULD THUS BE IDENTICAL

WITH THE CORRESPONDING PARAGRAPHS IN THE GROUP OF EXPERTS' AND
US-PROPOSED TEXTS.

3. FOLLOWING IS TEXT OF US-PROPOSED ARTICLE 3,

PARAGRAPH 1. QUOTE. NO PERSON ENTITLED TO THE BENEFITS OF THIS
CONVENTION WHO IS IN THE TERRITORY OR AT THE FRONTIER OF A CONTRACT-
ING STATE SHALL BE SUBJECTED BY SUCH CONTRACTING STATE TO MEAS-
URES SUCH AS RETURN, EXPLUSION OR REJECTION AT THE FRONTIER, WHICH
WOULD COMPEL HIM TO RETURN TO OR REMAIN IN A TERRITORY WHERE HIS
LIFE OR FREEDOM WOULD BE THREATENED FOR ANY OF THE REASONS STATED
IN ARTICLE 2. END QUOTE.

4. FOLLOWING IS TEXT IN ITS ENTIRETY OF US-PROPOSED AMENDMENT OF
ARTICLE 4, WHICH UNDER AUSTRALIAN AMENDMENT WOULD BE DELETED:
QUOTE. ARTICLE 4. PROVISIONAL STAY PENDING CONSIDERATION OF
REQUEST

1. A PERSON SEEKING ASYLUM AT THE FRONTIER OF A CONTRACTING
STATE, IF REFUSAL TO ADMIT HIM WOULD RESULT IN THE RETURN OF SUCH A
PERSON TO A COUNTRY IN RESPECT OF WHICH HE HAS PUT FORWARD A PRIMA
FACIE CLAIM OF PERSECUTION, SHALL BE ADMITTED PROVISIONALLY TO THE
TERRITORY OF THAT CONTRACTING STATE.

2. A PERSON ALREADY IN THE TERRITORY OF A CONTRACTING STATE
WHO REQUESTS ASYLUM SHALL BE PERMITTED TO REMAIN IN THE TERRITORY
OF THAT CONTRACTING STATE PENDING A DETERMINATION OF HIS REQUEST BY
A COMPETENT AUTHORITY.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 00519 261154Z

3. A PERSON REQUESTING THE BENEFITS OF THIS CONVENTION SHALL NOT,
FOR THE PURPOSES OF THE LAW OF THE CONTRACTING STATE, BE DEEMED TO
BE IN THE TERRITORY OF A CONTRACTING STATE CONSIDERING HIS REQUEST
PENDING ITS DETERMINATION BY A COMPETENT AUTHORITY, UNLESS HE
OTHERWISE HAS PERMISSION TO REMAIN. END QUOTE

5. USDEL WOULD HAVE NO DIFFICULTY, SUBJECT TO DEPARTMENT CONCUR-
RENCE, IN ACCEPTING INTO THE AUSTRALIAN PROPOSED AMENDMENT OF
ARTICLE 3, PARAGRAPH 1, WHICH IN OUR VIEW DOES NOT DIFFER IN SUB-
STANCE FROM THE CORRESPONDING US PROPOSED AMENDMENT CONTAINED IN
A/CONF.78/C.1/L.44

6. AUSTRALIAN PROPOSAL TO DELETE ARTICLE 4 IS A DIFFERENT MATTER.
USDEL BELIEVES THAT WHILE ARTICLE 4 OF GROUP OF EXPERTS' TEXT IS
CLEARLY UNACCEPTABLE, THE US PROPOSAL QUOTED ABOVE (TABLED IN
A/CONF.78/C.1/L.45) SHOULD BE RETAINED. PARAGRAPHS 1 AND 2 OF THE
US PROPOSED ARTICLE 4 HAVE SIGNIFICANT HUMANITARIAN VALUE BOTH FOR
REFUGEES INVOLVED AND IN TERMS OF UNITED STATES TRADITION AND IMAGE.
PARAGRAPH 3 OF US TEXT PROVIDES NEEDED SAFEGUARDS FOR UNITED STATES

AGAINST ABUSE OF PROCEDURES PROVIDED FOR IN PARAGRAPHS 1 AND 2.

7. ACTION REQUESTED: IN VIEW OF FACT THAT COMMITTEE OF THE WHOLE
IS ALREADY DEALING WITH ARTICLE 3, USDEL WOULD APPRECIATE GUIDANCE
AND/OR INSTRUCTIONS ASAP ON AUSTRALIAN PROPOSALS CITED ABOVE. CATTO

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, REFUGEES, MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 26-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GENEVA00519
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770028-0310
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770117/aaaaaoyg.tel
Line Count: 121
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e13108d1-c288-dd11-92da-001cc4696bcc
Office: ACTION ORM
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3499433
Secure: OPEN
Status: NATIVE
Subject: CONFERENCE OF PLENIPOTENTIARIES ON TERRITORIAL ASYLUM
TAGS: SREF, UNHCR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e13108d1-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009